

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>1</sup>

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

Case No. 17-BK-3283-LTS  
(Jointly Administered)

PROMESA Title III

No. 17 BK 4780-LTS

(This court filing relates only to  
Case No. 17 BK 4780-LTS)

**[PROPOSED] ORDER GRANTING URGENT MOTION IN LIMINE TO EXCLUDE  
TESTIMONY OFFERED BY UNION DE TRABAJADORES DE LA INDUSTRIA  
ELECTRICA Y RIEGO (UTIER), SISTEMA DE RETIRO DE LOS EMPLEADOS DE  
LA AUTORIDAD DE ENERGIA ELECTRICA (SREAAE), AND WINDMAR  
RENEWABLE ENERGY**

Upon consideration of the *Urgent Motion in Limine to Exclude Testimony Offered by Union de Trabajadores de la Industria Electrica y Riego (UTIER), Sistema de Retiro de Los Empleados*

<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*de la Autoridad de Energia Electrica (SREAAEE), and Windmar Renewable Energy*, filed on June 7, 2019 by and through the Financial Oversight and Management Board for Puerto Rico, as PREPA's representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act,<sup>2</sup> and the Puerto Rico Fiscal Agency and Financial Advisory Authority ("the **Urgent Motion**")<sup>3</sup> and the Court having found and determined that (i) the Court has jurisdiction over this proceeding and the Urgent Motion pursuant to 28 U.S.C. § 1331 and 48 U.S.C. § 2166(a); (ii) venue of this proceeding and the Urgent Motion is proper under 28 U.S.C. § 1391(b) and 48 U.S.C. § 2167(a); and (iii) the Court having found good cause to grant the relief requested therein, it is

**HEREBY ORDERED THAT:**

1. The Urgent Motion is **GRANTED** as set forth herein.
2. All of UTIER's SREAAEE's and Windmar's proffered witnesses<sup>4</sup> are excluded in their entirety from testifying at the omnibus hearing on July 24, 2019, with regard to the *Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922 and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement and Tolling Certain Limitations Periods*, Case No. 17-04780, ECF No. 1235 (May 10, 2019) (the "Rule 9019 Motion"), as scheduled by the Court's *Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and*

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<sup>2</sup> PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

<sup>3</sup> Capitalized terms not defined herein have the same meaning as in the Urgent Motion.

<sup>4</sup> Motion by Windmar Renewable Energy Identifying Potencial [sic] Witnesses for 9019 [sic] Motion Hearing, Case No. 17-03283-LTS, ECF No. 7169 (May 30, 2019); Preliminary Lists of Witnesses Who May Testify at the Hearing on the Rule 9019 Motion in Accordance with FRCP 26(a)(A)(i), Exhibit 1, Urgent Motion; Preliminary Lists of Witnesses Who May Testify at the Hearing on the Rule 9019 Motion in Accordance with FRCP 26(a)(A)(i), Exhibit 2, Urgent Motion.

*928, and Bankruptcy Rules 3012(A)(1) and 9019 for Order Approving Settlements  
Embodyed in the Restructuring Support Agreement [ECF No. 1235], Case No. 17-04780-  
LTS, ECF No. 1253 at 4 (May 22, 2019) (the “Scheduling Order”), because under  
Federal Rule of Evidence 401, the proffered testimony is irrelevant to the standard for  
approving settlements under Rule 9019, and under Federal Rule of Evidence 403, the  
proffered testimony would hinder judicial economy and party resources more than it  
would be probative of any relevant fact under the Rule 9019 standard.*

SO ORDERED.

Dated \_\_\_\_\_, 2019  
San Juan, Puerto Rico

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE